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Fishery Leaflet 154

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UNEMPLOYMENT INSURANCE INFORMATION FOR FISHERMEN AND ALLIED WORKERS[1/]

GULF STATES[2/]
ALABAMA
MISSISSIPPI
LOUISIANA
TEXAS

Note: This information is a digest of Unemployment Insurance Laws (as of September 1, 1945) with specific application to fishermen and allied workers in the States of Alabama, Mississippi, Louisiana, and Texas. This presentation is necessarily not complete; it is an interpretation by the Fish and Wildlife Service of the existing laws, and is subject to correction by courts or administrative agencies.

1/ Compiled by the Economics and Cooperative Marketing Section, Division of Commercial Fisheries.

2/ The unemployment insurance information for the State of Florida is presented in Fishery Leaflet 152.

ALABAMA

Source:

Alabama Unemployment Compensation Law (original act effective September 14, 1935; latest amendment effective July 9, 1945).

Fishermen and Allied Workers Covered

These workers are covered under the Alabama Unemployment Compensation Law. Seasonal workers are also included in the coverage. This information is bas on a statement of December 18, 1944, signed by the Director of Industrial Relations, quoted in part as follows:

"Unless services of fishermen are performed primarily as members of the crews of vessels, such services come within the definition of employment under the State Unemployment Compensation law and are covered services."

Employment Not Covered

Services of: (a) casual labor not in the usual course of the employer's trade or business; (b) services performed as a bar pilot, officer, or a member of the crew of a vessel on the navigable waters of the United States; (c) family services; (d) services for fishermen's cooperative organizations if performed by students, or if wages in any calendar quarter do not exceed $45.

Employers Covered

Those having eight or more employees in any twenty weeks in the current or preceding calendar year.

Eligibility of Employees

(1) Minimum amount of earnings necessary - $120, which must have been earned prior to the three weeks preceding applicant's first week of unemployment.

(2) Waiting period - an applicant must wait one week of full unemployment or two weeks of partial unemployment before receiving benefits.

Payments

(1) Maximum and minimum weekly benefit payments - $20 is the maximum amount that applicant may receive weekly, and $4 is the minimum amount that may be received weekly as unemployment benefits, less wages, if any, in excess of $2.

(2) Maximum number of weeks payable - the maximum number of weekly benefits that any applicant may receive is either (a) twenty times his weekly benefit amount, or (b) one-third of the wages earned by him for insured work during the first four of the last five completed calendar year quarters, whichever is the lesser.

Contributions

(1) Employers contribute from 0.5% to 2.7% of wages paid (not in excess of $3000) to each employee. The rate of contribution is determined by the State Unemployment Compensation Agency in accordance with employment records.

(2) Employees contribute from 0.1% to 1.0% of wages earned up to $3000 annually.

Disqualifications for Benefits.--Applicant is disqualified in the following cases:

(1) Leaving Work Voluntarily.--If applicant has left his work voluntarily without good cause connected with the work, he shall not be entitled to receive benefits on account of wages paid to him before the occurrence of the disqualification.

(2) Labor Dispute.--For any week in which his total or partial unemployment is directly due to a labor dispute still in active progress in the establishment in which applicant is or was last employed. This definition shall not relate to a dispute between an individual worker and his employer.

(3) Discharge for Dishonest or Criminal Act.--If applicant has been discharged or removed from his work for a dishonest or criminal act committed in connection with his work or materially affecting his work, or for an act which endangers the safety of others, or for actual or threatened deliberate misconduct, he shall not be entitled to receive benefits on account of wages paid to him before the occurrence of the disqualification.

(4) Discharge for Other than Dishonest or Criminal Act (Misconduct).--If applicant has been discharged for misconduct connected with his work, for reasons other than those specified in (3) above, he will be disqualified for the week in which he has been discharged for misconduct connected with his work and for not less than the three or more than the six weeks which follow. The number of weeks will be determined by the Director in each case.

(5) Suspension for Misconduct.--For the week or weeks, not to exceed four, in which he has been suspended as a disciplinary measure connected with his work, or for misconduct connected with his work.

(6) Failure to Apply for or to Accept Suitable Work.--If applicant fails without good cause, either to apply for or to accept available, suitable work or to return to his customary self-employment when directed by the Commission or when so notified by an employment office, he shall be disqualified and such disqualification shall continue until the applicant has accepted employment and has earned wages in that employment amounting to twenty times the applicant's weekly benefit amount.

In determining whether or not any work is suitable for an individual, the following factors shall be considered: (a) degree of risk involved to his health, safety, and morals; (b) physical fitness, prior training; (c) experience and prior earnings; (d) length of unemployment; (e) prospects for securing local work in his customary occupation; (f) distance of available work from his residence.

No work shall be considered suitable if the position offered is vacant due to: (a) a strike, lockout, or other labor dispute; (b) if the wages, hours, or other working conditions are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if the applicant would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(7) Receipt of Other Compensation.--(A) For any week applicant receives any other compensation such as: (a) dismissal wages; (b) separation allowance; (c) unemployment benefits from any other State or the Federal Government; (d) payment for loss of wages through an employee pension plan; (e) workmen's compensation or old age and survivor's insurance benefits, he is disqualified. If he does receive payment for loss of wages through an employee pension plan, workmen's compensation or old age and survivor's insurance benefits from any State or the Federal Government and they are less than the unemployment benefits would be, he is entitled to the difference. (B) If applicant is a person terminated from military service, he is ineligible in any period after such termination for which he received readjustment allowances from the United States Government under the "Servicemen's Readjustment Allowance Act of 1944."

(8) Return to School.--If the applicant has left his most recent work in order to attend school, or if he is a student regularly attending schoc

(9) Employment in Public Welfare Program.--For any week that he is engaged or employed by any Federal or State Unit or agency in charge of public works assistance through public employment, or public relief.

(10) Self-Employment.--For any week that he is self-employed.

(11) Pregnancy.--For pregnancy if unavailablr for work and definitely for three months period prior to childbirth and for three months after childbirth.

(12) No disqualification for benefits shall be applied to any applicant because he voluntarily left his work to enter military service.

Where to Apply for Benefits.--Register at the local United States Employment Office immediately upon becoming unemployed.

MISSISSIPPI

Source: Mississippi Unemployment Compensation Law (original act effective April 1, 1936; latest amendment effective March 31, 1944).

Fishermen and Allied Workers Covered.--These workers are not covered under the Mississippi Unemployment Compensation Law, according to a statement of January 31, 1945, signed by the General Counsel, Mississippi Unemployment Compensation Commission, which is quoted, in part, as follows:

"It is our view that fishermen and allied workers who perform duties in connection with the operation and maintenance of vessels on the navigable waters of the United States are not within the coverage of the law, whether their employment be considered full-time or seasonal."

Although fishermen and allied workers are not covered, the following general information is presented.

Employment Not Covered.--Services of: (a) casual labor not in the usual course of the employing unit's trade or business; (b) an officer or member of the crew of a vessel on the navigable waters of the United States; (c) family services; (d) fishermen's cooperative organizations if performed by students; if wages in any calendar quarter do not exceed $45.

Employers Covered.--Those having eight or more employees in any twenty weeks in the current or preceding calendar year.

Eligibility of Employees

(1) Minimum amount of earnings necessary - $90 or thirty times minimum weekly benefit amount.
(2) Waiting period - two weeks of full unemployment before receiving benefits, but these do not have to be consecutive weeks.

Payments

(1) Maximum and minimum weekly benefit payments - $15 is the maximum amount that the applicant may receive weekly, and $3 is the minimum weekly amount that an applicant may receive as unemployment benefits, less wages, if any, in excess of $2.
(2) Maximum number of weeks payable - 14 weeks.

Contributions

(1) Employers contribute maximum amount of 2.7% of wages paid (not in excess of $3000) to each employee.
(2) Employees contribute no part of wages toward unemployment benefits.

Disqualifications for Benefits.--Applicants are disqualified in the following cases:

(1) Leaving Work Voluntarily.--For the week, or fraction thereof, which immediately follows the day on which he left work voluntarily without good cause, if so found by the Commission, and for as many additional weeks, and fractions thereof, which immediately follow such week, not exceeding twelve weeks, as the Commission prescribes in each case, in addition to waiting period.
(2) Discharge for Misconduct.--For the week, or fraction thereof, which immediately follows the day on which he was discharged for misconduct connected with his work, if so found by the Commission, and for as many additional weeks, and fractions thereof, which immediately follow such week, not exceeding twelve weeks, as the Commission prescribes in each case, in addition to waiting period.
(3) False Statement.--For the week, or fraction thereof, with respect to which he wilfully makes a false statement or a false representation of facts, or wilfully fails to disclose a material fact, for the purpose of obtaining or increasing benefits under this law, if so found by the Commission, and for as many additional weeks, and fractions thereof, which immediately follow such weeks, not exceeding sixteen weeks, as the Commission prescribes in each case.
(4) Failure to Apply for or to Accept Available Suitable Work.--If the Commission finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the Commission or to accept suitable work when offered him, or to return to his customary self-employment, if any, when so directed by the Commission. Such disqualification shall continue for the week

in which such failure occurred and for not more than the twelve weeks which immediately follow such week as determined by the Commission according to the circumstances in each case, in addition to the waiting period.

In determining whether or not any work is suitable for an individual, the Commission shall consider among other factors, the following: (a) degree of risk involved to his health, safety, and morals; (b) hi physical fitness and prior training; (c) his experience and prior earnings; (d) his length of unemployment and prospects for securing local work in his customary occupation; (e) the distance of the avail able work from his residence.

Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevail ing for similar work in the locality; (c) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organizati

(5) Labor Dispute.--For any week with respect to which the Commission finds that his total unemployment is due to a stoppage of work which exists because of a labor dispute at a factory, establishment, or other premises at which he is or was last employed; this disqualification shall not apply if it is shown to the satisfaction of the Commission that: (a) he is unemployed due to a stoppage of work occasioned by an unjustified lockout; provided, however, such lockout was not occasioned or brought about by such individual acting alone or with other workers; (b) he is not participating in, or directly interested in the labor dispute which caused the stoppage of work; (c) he does not belong to a grade or class of workers of which, immediately before the commencement of stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or directly interested in the dispute. If in any case separate branches of work which are commonly conducted as separa business in separate premises, are conducted in separate departments of the same premises, each such department, for this purpose, shall be considered a separate factory, establishment, or other premises.

(6) Receipt of Other Compensation.--(a) For any week with respect to which he has received or is seeking unemployment compensation under an unemployment compensation law of another State or of the United States. Provided, that if the appropriate agency of such other State or of the United States finally determines that he is not entitled to such unemployment compensation benefits, this disqualification shall not apply. (b) Nothing in this law shall be construed to include within its terms any law of the United States providing unemplo ment compensation or allowances for honorably discharged members of t armed forces.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

LOUISIANA

Source: Louisiana Unemployment Compensation Law (original act effective November 3, 1936; latest amendments effective July 26, 1944).

Fishermen and Allied Workers Covered.--These workers are covered in this State as full-time and seasonal employees according to a letter of January 25, 1945, signed by the Administrator of the Division of Employment Security, which is quoted, in part, as follows:

". . . . Many fishermen, including shrimp and oyster fishermen, are classified by us as subject employers, their employment being both full-time as well as seasonal. . . . In the catching, handling and selling of fish, the employment is, as a general rule, full-time, and all persons so engaged are covered under our law. Maritime employment is covered by Section 18 (g) (6) (C) of our Act and. . . . it applies to intrastate maritime matters, but does not apply to interstate maritime matters. In other words, unless a vessel customarily plies between ports of this State and other States, the officers and members of the crew would be considered in covered employment."

Employment Not Covered.--Services of: (a) an officer or member of the crew of a vessel on the navigable waters of the United States if the vessel customarily plies between ports of Louisiana and other States; (b) family services; (c) casual labor not in the course of the employer's trade or business.

Employers Covered.--Those having four or more employees in any twenty weeks in the current or preceding calendar year.

Eligibility of Employees

(1) Minimum amount of employee's earnings - $90, or thirty times minimum weekly benefit amount after January 1, 1945; $60, or twenty times minimum weekly benefit amount prior to January 1, 1945.
(2) Waiting period - one week of full unemployment before receiving benefits.

Payments

(1) Maximum and minimum weekly benefit payments - $18 is the maximum amount that any applicant may receive weekly and $3 is the minimum amount that may be received weekly as unemployment benefits, less wages, if any, in excess of $2.
(2) Maximum number of weeks payable - the maximum number of weekly benefits that any applicant may receive is twenty. However, if one-fourth of the applicant's wages received during the first four of the last five completed calendar year quarters prior to the benefit year is the lesser amount, that is the amount the applicant is entitled to receive.

Contributions

(1) Employers contribute, beginning October 1, 1945, from 0.9% to 2.7% of wages paid. Rates are adjusted by the Administrator in accordance with employment record. Prior to October 1, 1945, they contribute 2.7% of wages paid. Contributions are made only on the first $3000 of wages paid to each employee during any calendar year.
(2) Employees contribute no part of wages toward unemployment benefits.

Disqualifications for Benefits.--Applicants are disqualified in the following cases:

(1) Leaving Work Voluntarily Without Good Cause.--For the week in which he left his work voluntarily without good cause, if so found by the Administrator, and for not more than the six weeks which immediately follow such week, as determined by the Administrator according to the circumstances in each case, in addition to waiting period.

(2) Discharge for Misconduct.--For the week in which he has been temporari suspended or discharged for misconduct connected with his work, if so found by the Administrator, and for not more than the six weeks which immediately follow such week, as determined by the Administrator in each case according to the seriousness of the misconduct, in addition to the waiting period.

(3) Failure to Apply for or to Accept Available Suitable Work.--If the Administrator finds that he has failed, without good cause, either to apply for available suitable work when so directed by the Employment Office or the Administrator, or to accept suitable work when offered him, or to return to his customary self-employment, if any, when so directed by the Administrator. Such ineligibility shall continue for the weeks in which such failure occurred and for not more than the six weeks which immediately follow such week as determined by the Administrator according to the circumstances in such case, in addition to the waiting period.

In determining whether or not any work is suitable for an individual and in determining the existence of good cause for voluntarily leaving his work, the Administrator shall consider the following: (a) degree of risk involved to his health, safety, and morals; (b) physical fitne and prior training; (c) experience and prior earnings; (d) length of unemployment and prospects for securing work in his customary occupation; (e) the distance of the available work from his residence and prospects for obtaining local work.

Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(4) Labor Dispute.--For any week with respect to which the Administrator finds that his unemployment is due to a labor dispute which is in active progress at the factory, establishment or other premises at which he is or was last employed.

Such disqualification shall not exceed the three weeks immediately following the beginning of such dispute in addition to the waiting period; and provided further that this disqualification shall not apply if it is shown to the satisfaction of the Administrator that applicant: (a) is not participating in or directly interested in the

labor dispute which caused his unemployment; (b) he does not belong to a grade or class of workers of which immediately before the commencement of the dispute there were members employed at the premises at which the dispute occurs, any of whom are participating in or directly interested in the dispute. If in any case separate branches of work which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises.

(5) Receipt of Other Compensation from Public Funds.--For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of another State or of the United States, provided that if the appropriate agency of such other State or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply. Provided, however, that should the Congress of the United States pass any law providing for unemployment compensation benefits, which benefits are intended as a supplement to the benefits provided by this Law, this disqualification shall not apply.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

TEXAS

Source: Texas Unemployment Compensation Law (original act effective October 27, 1936; latest amendment effective September 1, 1945).

Fishermen and Allied Workers Covered.--These workers are covered employees under the provisions of the Texas Unemployment Compensation Law at the present time. By an amendment to the law, effective September 1, 1945, the exemption covering "Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States" was removed, and maritime workers are now covered.

Employment Not Covered.--Services of: (a) family services; (b) servic s for fishermen's cooperatives, if performed by students and if wages received in any calendar quarter do not exceed $45.

Employers Covered.--Those having eight or more employees in any twenty weeks of current or preceding calendar year.

Eligibility of Employees

(1) Minimum amount of earnings necessary - eight times the benefit amount for one period. After September 1, 1945, nine times benefit amount.

(2) Waiting period - an applicant must wait one week of full unemployment before receiving benefits.

Payments

(1) Maximum and minimum weekly benefit payments - $36 is the maximum amount that applicant may receive as any one payment, and $10 is the

minimum amount that any applicant may receive as any one payment. Since benefits in this State are paid in two-week periods, the maximu is actually $18 weekly and the minimum, $5 weekly.

(2) Maximum or minimum weekly benefit payments for partial unemployment - benefit amount plus $400, less wages for benefit period of two weeks.

(3) Maximum number of weeks payable - 18 weeks (nine payments) or one-fifth of uncharged wage credits, whichever is the lesser. Wage credi are established for each individual by crediting him with the wages received by him for employment not exceeding $1620, during the first four out of the last five completed calendar-year quarters.

Contributions

(1) Employers contribute 0.5% to 2.7% of wages paid (not in excess of $3000) to each employee. Rates are adjusted according to employment records.

(2) Employees contribute no part of their earnings toward unemployment insurance benefits.

Disqualifications for Benefits.--Applicants are disqualified in the following cases:

(1) Leaving Work Voluntarily.-- If the Commission finds that he has left his last employment voluntarily without good cause connected with his employment. Such disqualification shall be for not less than one or more than eight benefit periods of 14 days each immediately following the filing of a valid claim, as determined by the Commissio according to the circumstances in each case.

(2) Discharge for Misconduct.--If the Commission finds that he has been discharged for misconduct connected with his last employment. Such disqualification shall be for not less than one or more than eight benefit periods of 14 days each immediately following the filing of a valid claim, as determined by the Commission in each case according to the seriousness of the misconduct.

(3) Failure to Apply for or to Accept Available Suitable Work.--If the Commission finds that he has failed, without good cause, either to apply for available suitable work when so directed by the employment office of the Commission or to accept suitable work when offered him or to return to his customary self-employment, if any, when so directe by the Commission.

Such disqualification shall be for not less than or more than four benefit periods of 14 days each following the filing of a valid claim, as determined by the Commission according to the circumstances in each case.

In determining whether or not any work is suitable for an individual the Commission shall consider the following: (a) degree of risk involved to his health, safety, and morals; (b) physical fitness and prior training; (c) experience and prior earnings; (d) length of unemployment and prospects for securing local work in his customary occupation; (e) distance of the available work from his residence.

Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if position offered is

vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(4) Labor Dispute.--For any benefit period with respect to which the Commission finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed; provided that this subsection shall not apply if it is shown to the satisfaction of the Commission that: (a) he is not participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work; (b) he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in, or financing, or directly interested in the dispute. If in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises.

(5) Receipt of Other Compensation.--For any benefit period with respect to which he is receiving or has received remuneration in the form of: (a) wages instead of notice; (b) compensation for temporary partial disability, temporary total disability, or total and permanent disability under the Workmen's Compensation Law of any State or under a similar law of the United States; (c) old-age benefits under Title II of the Social Security Act as amended, or similar payments under any Act of Congress, or a State Legislature, or employer pension plan, provided, that if such remuneration is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such benefit period, if otherwise eligible, benefits reduced by the amount of such remuneration.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

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